

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE  
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON  
U.S. MAGISTRATE JUDGE

DATE: 3-9-2020  
TIME: 11:28 a.m. (30 minutes)

*Scott, et al. v. Whole Foods Market Group, Inc.*  
**CV 18-86 (SJF) (AKT)**

TYPE OF CONFERENCE: **THIRD AND FINAL  
SHOW CAUSE HEARING**

APPEARANCES: Plaintiff: Steven John Moser

Defendants: Christopher Michael Pardo **by telephone**

**Directed to Appear:** Plaintiff Dwayne Scott – **NO APPEARANCE**

FTR: 11:28-11:58

**THE FOLLOWING RULINGS WERE MADE:**

1. After reviewing for the record the chronology of this action with respect to Plaintiff Dwayne Scott, including the multiple prior Orders directed to and served upon Plaintiff Scott concerning his representation in this action as well as his failure to participate in the action and to fulfill his discovery obligations, I have GRANTED Attorney Moser's motion to withdraw as counsel on behalf of Dwayne Scott.

In addition, it appears that Plaintiff Dwayne Scott has abandoned his claims in this action since he has not communicated with his counsel and has never responded to the Orders served upon him by his counsel as well as by the Court. **For this reason, and the reasons stated in the record of today's proceedings, this Court respectfully recommends to Judge Feuerstein that the claims of Dwayne Scott be dismissed for failure to prosecute, failure to cooperate and communicate with his counsel of record, and failure to comply with the Orders of this Court.** In order for this recommendation to be sent to Judge Feuerstein and addressed by her, counsel will need to jointly arrange to obtain the transcript of today's proceedings promptly. Counsel may do so by contacting Courtroom Deputy Mary Ryan at 631-712-5765.

2. The Court also addressed the pending motions to quash subpoenas filed at DE 52, 53, 54 and 55 as well as the opposition filed at DE 56. For the reasons stated in the record today, the motions to quash are GRANTED.
3. Apparently, the parties have had an ongoing dispute as to the contents of a proposed Stipulation and Order of Confidentiality. I have directed counsel to have a further meet-and-confer to resolve this issue. If counsel still have a dispute after doing so, they can address this issue to Judge Feuerstein at the upcoming status conference.

**SO ORDERED.**

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge